IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.952 of 2008
SHAILESH SINGH
Versus
THE STATE OF BIHAR
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5 4.12.2008 This revision has been preferred against the judgment dated 8.7.2008 passed by the District and Sessions Judge, Gopalganj in Criminal Appeal No. 25/08 thereby the conviction and sentence passed by Sri A. K. Sah, Judicial Magistrate, 1st Class, Gopalganj in Trial No. 2239/08 under Section 25(1-b) a/26 of Arms Act has been affirmed.

It appears that the learned Judicial Magistrate has convicted the petitioner under Section 25(1-b) a/26 of Arms Act and sentenced him to undergo rigorous imprisonment for three years and to pay fine of Rs.2000/- under both Sections and in default of payment of fine the petitioner was directed to further undergo simple imprisonment for six months.

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Heard learned counsel for the petitioners. Learned counsel for the petitioner presses this application only on the point of sentence.

It is submitted by the learned counsel for the petitioner that the petitioner has already remained in jail custody for last one year and eleven months. This petitioner was found in possession of only one fire arm with one live cartridge for which the petitioner has sufficiently been punished. The minimum punishment under these provisions is one year with fine.

Considered the submission of learned counsel for the petitioner. Perused the impugned judgment of both courts. The

petitioner is in jail custody since 8.1.2007.In other words, the petitioner has remained in jail custody for one year and eleven months which is sufficient to meet the ends of justice in a case like this. This petitioner was found in possession of one fire arm.

Having regard to the facts and circumstances of the case, while affirming the judgment of conviction, the sentence awarded against this petitioner is hereby modified to the period already undergone without fine which is sufficient to meet the ends of justice. The petitioner is directed to be released at once, if not wanted in any case.

In the result, this application is dismissed with aforesaid modification in sentence.

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B.Jha **(Ghanshyam Prasad)**